

Resolution No. 11-12

RESOLUTION: To amend Resolution 2-12
approving Project Plan Application
No. PJT2012-00002, Twinbrook
Metro Place, so as to make a
technical correction

WHEREAS, on April 16, 2012, the Mayor and Council approved Resolution No.2-12, approving PJT2012-00002 ("PJT2012-00002" or "Application"), requesting approval of a Project Plan for a 6.75 acre parcel of land located on the east side of Rockville Pike between Congressional Lane and Halpine Road (1592 Rockville Pike) for construction of 792 multifamily dwelling units, a 190-room hotel with 2,000 square feet of assembly area, 162,000 square feet of office, 36,000 square feet of health club, 39,000 square feet of retail, 14,000 square feet of restaurant and 1,278 structured parking spaces in accordance with the Project Plan procedures (in the MXTD zone), set forth in Chapter 25, Article 7, Sections 25.07.01, 25.07.02, 25.07.03 and 25.07.07; and

WHEREAS, pursuant to Section 25.07.02 of the Zoning Ordinance, the Applicant held a pre-application area meeting on April 28, 2011; and

WHEREAS, pursuant to Section 25.07.07, the Applicant held a post-application meeting on August 24, 2011; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission at its meeting on September 14, 2011, and the Mayor and Council at its meeting on September 19, 2011, were briefed on the application by the applicant; and

WHEREAS, pursuant to Sections 25.07.07.8 and 25.07.07.9 of the Zoning Ordinance, the Planning Commission, at its meeting of January 25, 2012, reviewed the subject Application and the Planning Commission Staff Report. (The Planning

Commission Staff Report title mistakenly references case number PJT2012-00001, but is referenced correctly later in the report as PJT2012-00002.) The Planning Commission unanimously recommended that the Mayor and Council approve the application, including a waiver to the street cross section standards of Chapter 21, and allowing an increase in the maximum height of the project from 120 feet to 150 feet as permitted by Sec. 25.13.05.b.2(a)(ii), but recommended against approval of a reduction of the parking requirements, and advised the applicant to submit more parking data for consideration by the Mayor and Council. The recommendation is subject to certain conditions as set forth in a memorandum dated February 8, 2012; and

WHEREAS, in compliance with Section 25.07.07.12, Mayor and Council gave notice that a public hearing on said Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on February 27, 2012, at 7:00 p.m. or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on February 27, 2012, the public hearing for said Application was held at the time and place indicated in said notice; and

WHEREAS, on March 19, 2012, the Mayor and Council met to discuss and instruct staff regarding the disposition of the application. The application was discussed and staff was instructed to draft a resolution for approval with a reduction of one story in height for Building 5. The reduction resulted in the reduction of 19 multifamily units from the 811 units proposed in the original application, as well as 10 feet in building height for Building 5. This determination also resulted in retention of the proposed 1,278 parking spaces to be provided after the requested parking waiver. The Mayor and Council

also accepted updated analyses for school capacity and traffic capacity per the City's Adequate Public Facilities Standards (APFS), which have taken into account all projects approved at the time of Application approval, including projects in the City and the County. An updated transportation report and revised traffic mitigation have been included in this resolution; and

WHEREAS, this matter having been fully considered by the Mayor and Council, the Mayor and Council having found and determined that approval of the application, subject to the conditions, limitations, additions and modifications set forth herein, would promote the health, safety and general welfare of the citizens of Rockville, and the Mayor and Council having made the further findings set forth herein based upon the Application for Project Plan PJT2012-00002, the Staff Report dated January 18, 2012, the Planning Commission Recommendation dated February 8, 2012, the public hearing of February 27, 2012, as well as the entire record; and

WHEREAS, the Mayor and Council having found and determined, pursuant to Sections 25.07.07.15 and 25.07.01.b.2, and Article 7 of Chapter 25 referenced herein, that the proposed development and Application, subject to the conditions, limitations, additions and modifications set forth herein will not:

1. *Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project.* The proposed uses are permitted in the MXTD Zone and will allow residents to work and live in close proximity to public transit. Furthermore, the project will introduce an addition to the street grid with smaller blocks and ground-floor retail on both sides of the street. The proposed sidewalks and streets as designed will provide a safer environment for pedestrians and bicyclists, as well as

provide an active street life with ground floor retail. The access to transit should increase Metro ridership, as well as promote walking and biking. The project will be within walking distance to at least one grocery store, which provides access for all residents and local workers to fresh foods. Based upon the analysis provided, and subject to the conditions proposed, there is nothing associated with this project that will adversely affect the health and safety of residents or employees in this neighborhood.

2. *Be in conflict with the Plan.* The application meets the goals of the Plan by proposing a transit-oriented, mixed-use development. The project is consistent with, and implements, the Land Use designation of "Rockville Pike Corridor Mixed Use Development" found in the Comprehensive Master Plan Land Use Map. The application increases the density near the Metro station and adds residential units to the Rockville Pike Corridor as suggested in the Plan. The project also complies with Rockville Pike Corridor Neighborhood Plan through compliance with urban design standards of that plan. The applicant has complied with these existing requirements as well as accommodated recommendations of the draft Rockville's Pike Corridor Plan. The applicant has also worked with staff and adjacent property owners to come to consensus on an alternative alignment of Chapman Avenue extended that furthers the goals of the Comprehensive Master Plan and the Rockville Pike Corridor Neighborhood Plan;

3. *Overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted Adequate Public Facilities Standards.* The project will not result in overburdening of public facilities. The project is in full compliance with the Adequate Public Facilities Standards, and there is no anticipated negative impact upon public facilities as a result of this project. Public water

service meets the Adequate Public Facilities Standards, and when mitigation measures are constructed as noted in the conditions, the sewage transmission system will have adequate capacity (see Exhibit F). The project is served by Farmland Elementary, Tilden Middle, and Walter Johnson High schools, and projected school capacity is within the capacity limits when the methodology established by the APFS is applied (see Exhibit G). Traffic mitigation measures have been accepted and will maintain acceptable levels of service at affected intersections (See Exhibit E). The site is in close proximity to Fire Station 23 located on Rollins Avenue;

4. *Constitute a violation of any provision of the Zoning Ordinance or other applicable law.* The project is in full compliance with all Zoning and applicable codes and laws. The Mayor and Council having found and hereby approved, pursuant to Sections 25.16.03.h.1, 25.13.05.b.2(c), and 21-20 of the City Code, that the proposed development and Application meet the findings for a reduction of the amount of required parking, an increase in maximum building height permitted, and an alternative to the standard street section of City Code, as stated below:

Building Height

The Mayor and Council find that the application meets the required findings of Section 25.13.05.b.2(a)ii. of the Zoning Ordinance, and approves an increase in maximum building height from 120 feet to a maximum of 150 feet. The Mayor and Council finds the project will: provide 12.5 % public use space on site; that the applicant has limited building footprints to less than 80 percent of the net lot area; exceed the urban design recommendations of the Plan, and that the applicant will be required to exceed energy conservation code requirements, which will be addressed at the building permit stage.

Parking

The Revised Project Plan (see Exhibit A) created a new mixture of uses which requires that a maximum of 2,176 parking spaces be provided. The applicant is granted a reduction, pursuant to Sections 25.16.03.h.1. and 25.16.03.h.6. of the Zoning Ordinance, to permit 41.3% fewer (1,278) parking spaces than the maximum requirement of 2,176 parking spaces for this project.

The Mayor and Council approve, pursuant to Section 25.16.03.h.1, a 19.3% reduction in required parking spaces, and finds Application satisfies four of the stated criteria:

1. The applicant will complete a sidewalk along Chapman Avenue that will provide a major point of pedestrian access to the Project. The entrance to the building on the property that is farthest from an entrance to the Twinbrook Metro Station is approximately 1,250 feet. Furthermore, the entire property is located within a quarter-mile (1,320 feet) radius of the Twinbrook Metro Station.
2. Although there are no bus stops on the property frontage, several Metrobus and Ride-On bus routes are located in close proximity of the Project along MD 355. In addition, the Twinbrook Metro Station is a hub for numerous Metrobus and Ride-On bus lines that link the project to the rest of the region. The project is well served by Metro, Metrobus, and Ride-On, all of which will serve to further reduce the demand for parking within the project itself.
3. A WMATA public parking facility, located fewer than 1,000 feet from a proposed building entrance to the Project, is being constructed in the adjacent Twinbrook Station project.

4. The Project is a model transit-oriented development with excellent proximity to Metro and bus service. Available Metro ridership data indicates that transit (both Metro and bus) ridership has significantly increased within the past few years. It is anticipated that higher gas prices will serve to further increase this usage, and proximity to transit will encourage transit ridership and ease traffic congestion and vehicle-related environmental impacts. For these reasons, the Mayor and Council have good cause to approve the Applicant's parking reduction request.

The above findings for Section 25.16.03.h.1. allow for a 19.3% reduction of the parking requirement to 1,758 parking spaces. The applicant has a mixture of uses that allow for an additional 22% reduction in required parking based on the shared use table of Section 25.16.03.h.6. This accounts for a total reduction of 41.3% of the required parking and required total of 1,278 parking spaces to be provided. The initial parking reduction presented to the Mayor and Council at the meeting on March 19, 2012, was a 22% reduction based on the Zoning Ordinance criteria, and a 21% reduction utilizing the shared use table, for a 43% total reduction from the parking maximum of 2,199 parking spaces required, to 1,278 spaces provided.

No further reductions will be granted for this project if the requested reductions are granted as part of this process. Pursuant to Section 25.16.03.h.2, the Planning Commission may not approve a further reduction on site plans that implement all or part of a Project Plan where the Mayor and Council has previously granted a reduction.

Street Section

The Mayor and Council finds that the Application proposal for a modification of the standard street section for Business District streets to be in the public interest and accepts the following modification:

The Applicant will construct Chapman Avenue extension from its southern property line through to Festival Street. The proposed changes to the street cross-section for Chapman Avenue include 13-foot travel lanes, 7-foot parking lanes, 7-foot tree lawns (from face of curb) and 8-foot sidewalks. The Chapman Avenue extension would provide for a total 40 feet of paved travelway area compared to the standard of 48 feet. The proposal includes approximately 15 feet from the curb to the property line, compared to the 11 feet required in the Code.

The applicant also proposes a 66 foot wide right-of-way in which to construct a new public street, shown as Festival Street, from Rockville Pike to Chapman Avenue extended. The proposed street cross-section for Festival Street shall include 11-foot wide travel lanes, 7-foot wide parking lanes, 7-foot wide tree lawns (from face of curb) and 8-foot wide sidewalks. Festival Street will have 36 feet of paved travelway area compared to the standard of 48 feet. The proposal includes approximately 15 feet from the curb to the property line as compared to the 11 feet required in the Code.

The approval of the roadway cross-sections shall constitute a waiver of any requirements of Chapter 21 "Streets and Public Improvements" of the Rockville City Code pursuant to Section 21-20 of the Code, that may be inconsistent with the proposed cross-section.

Final road design and alignment for Chapman Avenue extended and Festival Street shall be approved at the Site Plan stage. City utilities shall be placed within the right-of-way or

within easements as determined by the Department of Public Works during detailed engineering.

5. *Adversely affect the natural resources or environment of the City or surrounding areas.* The site is currently developed with a one-story shopping center and surface parking lot. There is minimal existing landscaping around the perimeter of the property and there are no streams, habitat, or natural resources on the property. No other environmental concerns are known that would affect the natural resources or environment in the surrounding area. The proposed development will add tree cover, stormwater management and increased pervious area on the project site. Subject to the conditions proposed, there is no evidence that the project would have an adverse impact on natural resources or the environment.

WHEREAS, the Mayor and Council approved Resolution 2-12 to approve PJT2012-00002 ("Project Plan Application") with an inadvertent transposition in building heights listed for buildings 2 and 3, and desires to correct the maximum building height shown for Building 2 to be 120 feet rather than 150 feet, and for Building 3 to be 150 feet rather than 120 feet as shown in Resolution 2-12;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Project Plan Application PJT2012-00002, be and the same is hereby approved, in accordance with the terms, conditions and limitations set forth herein:

1. Submission, for approval of the Chief of Planning, of twelve (12) copies of the Project plan (on sheets no larger than 24 inches by 36 inches) to be submitted prior to submission of a Site Plan application.

2. Submission, for approval of the Chief of Planning, of twelve (12) copies of the landscape and architectural plans (on sheets no larger than 24 inches by 36 inches) to be submitted prior to submission of a Site Plan application.
3. Submission, for the approval of the Planning Commission, of a Final Record Plat or plats to subdivide the property into record lots and dedicate land to public use, after related Site Plan approvals and prior to issuance of a building permit.
4. That the applicant work with the Washington Metropolitan Area Transit Authority (WMATA) and the Department of Public Works to come to agreement on a final design for Chapman Avenue that accommodates the needs of WMATA around the entrance to the WMATA parking garage and leading to the Metro Station.
5. Applicant must design and construct the proposed improvements in Phase 3, (Lot 1, Block B) in accordance with WMATA's Adjacent Construction Project Manual, and the applicant must obtain WMATA's written approval of applicant's design and construction methods prior to the start of any construction or excavation activity on Lot 1, Block B.
6. Show the chamfered corners of the property lines at all intersections.

Department of Public Works (DPW)

7. Comply with the conditions of DPW's Development Stormwater Management (SWM) Concept Approval Letter dated December 20, 2011.
8. Comply with the conditions of DPW's Water and Sewer Authorization letter dated January 25, 2012.
9. Show the type, location and species of trees in SWM facilities that are being used to meet other landscape and/or forestry site requirements on the Site Plan, and to be approved at final engineering.
10. The Applicant must work with the dry utility companies (i.e. gas, telephone and electric) at Site Plan stage to determine the location of utilities and any special treatments (i.e. conduit). When not located in a Public Utility Easement (P.U.E.), dry utilities will only be permitted to be located under the eight foot sidewalks. The Applicant must provide confirmation that the utility companies will be able to locate their facilities in this limited area prior to Site Plan review by the Planning Commission. The location of dry utilities outside of a P.U.E. must be shown on the Site Plan.

Traffic and Pedestrian Circulation and Traffic Mitigation

11. Safe and adequate access for all modes of transportation must be provided throughout all phases of development:

12. Pedestrian Access

- a. The Applicant is required to construct a six (6) foot wide sidewalk along its Rockville Pike street frontage.
- b. Sidewalk widths along Festival Street and Chapman Avenue extended must be a minimum of eight (8) feet in width. No building structure, awnings, doors or windows may extend into the 8-foot free and clear width. Outdoor cafes, providing table and chairs for eating and/or drinking, shall only be permitted on private property.
- c. All internal sidewalks must maintain a minimum of 8-foot clear width with the exception of Condition #2a.

13. Traffic Mitigation

- a. The Applicant shall design, construct and obtain permits from Montgomery County, State Highway Administration (SHA), and/or the City of Rockville as required for mitigation at the following intersections.
 - i. Congressional Lane and MD 355 – The Applicant will re-stripe eastbound Congressional Lane to allow for one dedicated left turn lane, one shared left/through lane and one dedicated right turn lane. The Applicant will also be required to modify the corresponding overhead signage accordingly.
 - ii. Twinbrook Parkway and Chapman Avenue – The applicant shall contribute, prior to the issuance of the first building permit, a monetary contribution of \$50,000 for mitigation of this intersection. The monetary contribution will be used at this intersection for modifying the traffic signal and restriping the lanes.
 - iii. Halpine Road and Chapman Avenue - The Applicant will construct a dedicated right turn lane from southbound Chapman Avenue onto westbound Halpine Road. The Applicant will also modify the northbound Chapman Avenue shared left turn and through lane to become two lanes - a dedicated left turn lane to westbound Halpine Road and a dedicated through lane.
- b. Plans for the mitigation must be approved prior to issuance of the first building permit for the site. Mitigation for all intersections is required to be completed prior to occupancy of any building on the site.
- c. The Applicant is required to work with Montgomery County to mitigate the Parklawn Drive and Twinbrook Parkway intersection,

subject to Montgomery County approval. The applicant must submit a letter to the City from Montgomery County stating their requirements for mitigation. If Montgomery County decides not to allow mitigation at the intersection, the Applicant is required to make a contribution in the amount of the design and construction of the improvement to the City's Transportation Improvement CIP prior to the issuance of the first building permit. The design and construction cost will be based on an estimate provided by the Applicant and agreed to by City staff. If within five (5) years of Project Plan approval, the County decides to improve the intersection, the contribution would be used to help fund that improvement. However, if the County does not use the funds within five (5) years of Project Plan approval, the City will use the contribution in the Rockville Pike Planning Area for transportation improvements.

14. The Applicant shall pay the County's Transportation Development Impact Tax, as applicable, subject to allowable credits allowed by Montgomery County, prior to the issuance of a building permit. The Applicant shall submit a receipt of payment to the Inspection Services Division of the Department of Community Planning and Development Services and the Traffic and Transportation Division of the Department of Public Works prior to issuance of a building permit.
15. The Applicant and the City must enter into a Trip Reduction Agreement for the development and implementation of a Trip Reduction Plan consistent with the Trip Reduction Tool prior to the issuance of the first building permit. All fees and costs associated with the Trip Reduction Agreement must be the sole responsibility of the Applicant and may not be credited in whole or in part against the Montgomery County Transportation Development Impact Tax.
16. The Applicant must pay the City's Transportation Improvement Fee as provided in the Comprehensive Transportation Review (CTR). The fee is \$1.50 per square foot of non-residential gross floor area and \$900 per multi-family unit and must be paid prior to the issuance of any building permit for that building.

17. STREETS

a. Chapman Avenue

- i. The Applicant must dedicate a 70 foot right-of-way and construct the Chapman Avenue extension from its South property line through the Festival Street intersection. Chapman Avenue extended must be constructed in conformance with City standards and specifications.
- ii. The street cross-section for Chapman Avenue shall be in accordance with the Project Plan, to include 13-foot travel lanes, 7-foot parking lanes, 7-foot tree lawns (from face of curb) and 8-foot sidewalks. The approval of the roadway cross-sections shall constitute a waiver of any

requirements of Chapter 21 "Streets and Public Improvements" of the Rockville City Code, pursuant to Section 21-20 of the Road Code, that may be inconsistent with the proposed cross-section.

- iii. The Applicant shall dedicate right-of-way for a 70-foot wide Chapman Avenue extended north of its intersection with Festival Street as shown on the Project Plan. The timing of such dedication is to be determined by the City and accomplished by a deed of dedication in form to be approved by the City Attorney.
- iv. The Applicant must construct Chapman Avenue extended from Halpine Road to the south property line, including any access points to adjacent properties. The Applicant is required to obtain at its own expense, any additional right-of way or easements needed to complete the construction.

b. Festival Street

- i. The Applicant must dedicate a 66 foot wide right-of-way and construct Festival Street from Rockville Pike to Chapman Avenue extended. Festival Street must be constructed in conformance with City standards and specifications.
 - ii. The street cross-section for Festival Street shall be in accordance with the Project Plan to include 11-foot wide travel lanes, 7-foot wide parking lanes, 7-foot wide tree lawns (from face of curb) and 8-foot wide sidewalks. The approval of the roadway cross-sections shall constitute a waiver of any requirements of Chapter 21 "Streets and Public Improvements" of the Rockville City Code pursuant to Section 21-20 of the Code that may be inconsistent with the proposed cross-section.
- c. Final road design and alignment for Chapman Avenue extended and Festival Street shall be approved at the Site Plan stage. City utilities shall be placed within the right-of-way or within easements as determined by DPW during detailed engineering.
- d. Service Driveway - The Applicant shall reserve for future dedication, an area parallel to its street frontage along Rockville Pike, as shown on the Project Plan.

18. The proposed rights-of-way delineation (per Zoning Ordinance Sec. 25.21.16.b.9) shall be in accordance with the following:

- a. The truncation of the right-of-way at the intersection of Festival Street and Chapman Avenue (extended) will be defined as the chord that is created

by connecting the two points 15 feet back from the intersecting point of the artificial extension of the right-of-way lines.

- b. All right-of-way dedication must be reflected on a Final Record Plat to be reviewed by staff and approved by the Planning Commission and any other approving agency having an interest in the right-of-way dedication except for the area of Chapman Avenue extended north of its intersection with Festival Street, which will be accomplished by a deed of dedication.
19. The Applicant will be required to abandon the area of the old Halpine Road right-of-way as reflected on the Project Plan in a manner acceptable to SHA and the City Attorney, prior to recording the plat for Phase 1.
20. No buildings will be permitted to be in the right-of-way at the surface level. Any use of the aerial and/or subterranean rights under or over the rights-of-way of Chapman Avenue extended and/or Festival Street, if permitted, will be subject to an agreement with the City. Said agreement must be prepared by the Applicant at their expense and approved by the City Attorney prior to recordation of any Final Record Plat for the project.
21. Submit a phasing plan for pedestrian access, construction access, staging and parking for review and approval of DPW prior to issuance of any building permit. The pedestrian access plan for the construction period shall include, but not be limited to, the methods of maintaining pedestrian safety and access on the existing sidewalks, temporary closing of sidewalks for work in the streetscape zone, and pedestrian detours, as well as efforts to minimize closure of sidewalks.

1. APPROVED PROJECT PLAN APPLICATION

For the purposes of this Resolution, the Approved Project Plan (also referred to as the "Approved PJT") shall mean this Resolution and all Exhibits to this Resolution listed below and attached hereto, including notation, references, description and writings on the Exhibits. Resolution 2-12, approved on April 16, 2012, is hereby superseded.

- Revised Project Plan/Concept Site Development plan, dated March 26, 2012
(Exhibit A)
- Conceptual Landscape Plan, dated March 26, 2012 (Exhibit B)
- Conceptual Building Elevations, dated March 26, 2012 (Exhibit C)

- Stormwater Management Concept letter dated December 20, 2011
(Exhibit D).
- School Test Tables dated March 19, 2012 (Exhibit E)
- Sewer and Water Authorization letter dated January 25, 2012 (Exhibit F)
- Traffic and Transportation memo dated April 10, 2012 (Exhibit G)

The subject property shall be developed in accordance with the Revised Project Plan/Concept Development Plan dated March 26, 2012, attached hereto and incorporated herein as Exhibit "A". To the extent that there is a conflict between any of the written items and conditions in the body of this Resolution and any exhibits attached hereto, the written terms and conditions in the body of this Resolution shall control.

2. DEVELOPMENT DENSITY, HEIGHT AND STANDARDS:

The 6.75 acre property must not exceed 792 multifamily dwelling units, 190 hotel rooms, 2,000 square feet of hotel assembly area, 162,000 square feet of office, 36,000 square feet of health club, 39,000 square feet of retail, 14,000 square feet of restaurant and 1,278 parking spaces.

The following development standards shall apply:

- (a) Maximum height: 150 feet for buildings 2 and 4, 140 feet for building 5, and 120 feet for buildings 1 and 3.
- (b) Minimum setbacks: A minimum zero front yard setback, a minimum 10 foot side yard setback and a minimum zero foot rear yard setback.

3. LANDSCAPE PLAN: The Applicant must submit detailed landscape plans for approval by the Planning Commission at the Level 2 Site Plan stage. The

landscape plan must be generally consistent with the conceptual landscape plan attached hereto as Exhibit "B" (the "Conceptual Landscape Plan").

4. PARKING: The Project must comply, in all phases, with the minimum parking requirements of the Zoning Ordinance, including the parking reduction of 19.3 percent, and reductions permitted via the shared use table found in Article 16 of the Zoning Ordinance (see Exhibit A).

5. FOREST CONSERVATION: The Applicant must submit, for the approval of the City Forester, a Forest Conservation Plan (FCP). A Forestry Permit, as conditioned below, must be obtained prior to the release of a Building Permit.

Submit for review and approval the Final Forest Conservation Plan (FCP).

- a. The Final FCP will be reviewed concurrently with the detailed engineering drawings that are submitted to the Department Public Works.
- b. The Final FCP shall be based on the Preliminary FCP and provide tree plantings consistent with the Preliminary FCP.
- c. The Landscape Plan shall match the landscaping shown on the Final FCP.

6. SIGNS: All signs must comply with the requirements of the Zoning Ordinance and other applicable provisions of the Rockville City Code.

7. STORMWATER MANAGEMENT. The Applicant must comply, to the satisfaction of the Director of Public Works, with the conditions set forth in the conditional approval of the stormwater management concept letter dated (Exhibit D), unless otherwise approved by DPW.

8. TRAFFIC AND TRANSPORTATION. The applicant must comply, to the satisfaction of the Director of Public Works with the conditions outlined in the attached correspondence dated April 10, 2012 (Exhibit G).

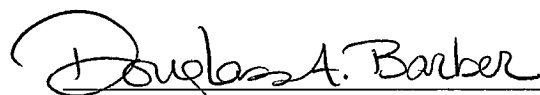
9. SEWER AND WATER. The applicant must comply, to the satisfaction of the Director of Public Works, with the conditions outlined in the attached correspondence dated January 25, 2012(Exhibit F).

10. SITE ACCESS. Access to the site shall be provided from Rockville Pike and Halpine Road. The final location and design shall be determined as part of the Level 2 Site Plan approval. Permits for work within the Rockville Pike right-of-way, including access permits, must be obtained from the Maryland State Highway Administration.

11. PROJECT PLAN IMPLEMENTATION PERIOD. This Project Plan approval shall expire if a Site Plan Application implementing all or a portion of this Project Plan is not filed within six months of the date of the Mayor and Council's approval, or if construction has not commenced on the project, pursuant to a validly issued building permit, within the implementation period set by the Site Plan Application approval.

* * * * *

I hereby certify that the foregoing is a true and correct copy
of a resolution adopted by the Mayor and Council at its
meeting of June 4, 2012.


Douglas Barber, City Clerk/Treasurer